

It was alleged in the libel that the article was misbranded in that the statement borne on the label, "Protein not less than 43%," was false and misleading and deceived and misled the purchaser.

On March 1, 1930, the Choctaw Sales Co., Kansas City, Mo., claimant, having admitted the allegations of the libel and having consented that judgment be entered for the condemnation and forfeiture of the product, a decree was entered finding the product misbranded, and it was ordered by the court that the said product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$200, conditioned in part that it be relabeled under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17235. Adulteration and misbranding of jellies. U. S. v. 29 Cases of Alleged Fruit Pectin and Apple Jelly, et al. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23962. I. S. Nos. 08559, 08560, 08561, 08562. S. No. 2176.)

On August 19, 1929, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 75 cases of assorted jellies, remaining in the original unbroken packages at Boston, Mass., alleging that the articles had been shipped by the Lutz & Schramm Co., from Pittsburgh, Pa., in two lots, on or about February 13 and March 22, 1929, respectively, and transported from the State of Pennsylvania into the State of Massachusetts, and charging adulteration and misbranding in violation of the food and drugs act. The articles were labeled in part: "Quakerlode Brand Lutz & Schramm Co. Pittsburgh, Pa. Fruit Pectin and Apple Jelly (or "Raspberry Jelly" or "Grape Jelly" or "Plum Jelly")." The labels of the apple jelly and plum jelly bore the further statement "With Added Fruit Acid."

It was alleged in the libel that the articles were adulterated in that a substance deficient in fruit juice had been mixed and packed therewith so as to reduce and lower its quality and strength, and had been substituted in part for the articles. Adulteration was alleged for the further reason that the articles had been mixed in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the articles were imitations of jellies and were offered for sale under the distinctive names of other articles. Misbranding was alleged for the further reason that the statements, "Fruit Pectin and Apple Jelly," "Fruit Pectin and Raspberry Jelly," "Fruit Pectin and Grape Jelly," and "Fruit Pectin and Plum Jelly," as the case might be, borne on the respective labels, were false and misleading and deceived and misled the purchaser, in that the said statements represented that the articles were jellies, whereas they were not but were compounds of pectin, sugar, and little, if any, fruit juice.

On March 28, 1930, the claimant having failed to appear and prosecute its defense, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17236. Adulteration of grapefruit. U. S. v. 348 Boxes of Grapefruit. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24546. I. S. No. 022592. S. No. 2869.)

On February 20, 1930 the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 348 boxes of grapefruit, remaining in the original unbroken packages at Denver, Colo., consigned by Wade & Newton, alleging that the article had been shipped from Donna, Tex., on or about February 3, 1930, and transported from the State of Texas into the State of Colorado, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Marsh Seedless Wade & Newton Brand Grapefruit * * * Packed and Shipped By Wade & Newton General Office San Benito, Texas."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

On February 25, 1930, the Green Bros. Fruit & Produce Co., a Colorado corporation, having appeared as claimant for the property and having admitted the allegations of the libel and consented to the entry of a decree, judgment was entered finding that the product was adulterated in that it consisted in

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